United Nations A/HRC/WG.6/29/ROU/2

General Assembly

Distr.: General
9 November 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-ninth session
15-26 January 2018

Compilation on Romania

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1]–[2]

2. It was recommended that Romania consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[5] the Optional Protocol to the Convention on the Rights of Persons with Disabilities,[6] and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[7]

3. The Committee on the Elimination of Discrimination against Women encouraged Romania to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[8]

4. The Committee against Torture recommended that Romania consider making the declarations envisaged under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to recognize the competence of the Committee to receive and consider communications.[9]

III. National human rights framework[10]

5. The Committee on Economic, Social and Cultural Rights noted that the areas of competence of the various institutions and bodies promoting and protecting human rights and combating discrimination, particularly the Institute for Human Rights, the Office of the

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Ombudsman and the National Council for Combating Discrimination, overlapped, which reduced their effectiveness in terms of their mandates and resources.[11]

6. The same Committee was concerned that the Institute for Human Rights did not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[12] In 2017, the Committee on the Elimination of Discrimination against Women noted with concern that, notwithstanding the commitment undertaken during its universal periodic review, Romania had not yet amended its legislation to review the status and effectiveness of the Institute. It encouraged Romania to ensure that the Institute was in full compliance with the Paris Principles.[13]

7. The Committee against Torture recommended that Romania allocate adequate resources to ensure the independence of the Office of the Ombudsman, in order to enable it to function effectively in its distinct role as the national preventive mechanism.[14] The Subcommittee for Prevention of Torture made similar observations.[15]

8. The Committee on the Rights of the Child recommended that Romania adopt a draft law on an independent ombudsperson for children's rights.[16]

9. The Special Rapporteur on extreme poverty and human rights noted that Romania needed to devise procedures to ensure the systematic consideration of recommendations by international human rights bodies. The existing system was ad hoc and ineffectual.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

10. The Committee on the Elimination of Discrimination against Women was concerned by stereotypical and sometimes degrading images of women, especially of Roma women, in the media and by the recent resurgence of stereotypical discourse by political figures and religious non-State actors in relation to women's sexual and reproductive health rights.[19]

11. The Committee on the Rights of the Child was concerned that Roma children, children with disabilities, asylum-seeking or refugee children, lesbian, gay, bisexual, transgender and intersex children and children living in remote rural areas continued to face discrimination with regard to access to education, health care and employment, and to their standard of living.[20]

12. The Committee on Economic, Social and Cultural Rights was concerned that Roma continued to experience widespread discrimination and social exclusion, especially as regarded housing, education, health and employment.[21] The Special Rapporteur on extreme poverty stated that the striking poverty among Roma and the inequality between Roma and non-Roma correlated with societal attitudes towards Roma and government (in)action.[22] The Committee against Torture was concerned at the reports of racist hate crimes against Roma, instances of racist hate speech directed against them, and the high incidence of anti-Roma rhetoric and negative stereotypes in public and political discourse.[23]

13. The Committee on Economic, Social and Cultural Rights recommended that Romania, inter alia, continue to address negative prejudices and stereotypes, which were among the underlying causes of the systemic discrimination and social exclusion experienced by Roma.[24] The Special Rapporteur on extreme poverty stated that, because of the depth and scope of past discrimination, special measures to assist Roma were needed in areas such as education, health care, employment and housing.[25] The United Nations Educational, Scientific and Cultural Organization (UNESCO) made similar recommendations.[26]

14. The Committee against Torture recommended that Romania punish hate crimes and condemn all forms of hate speech, in particular that based on racial and discriminatory motives.[27] The Committee on the Elimination of Discrimination against Women recommended that Romania amend its legislation so as to define hate speech as a separate crime.[28]

15. The Special Rapporteur on extreme poverty noted the inequality between urban and rural areas, and that the relative poverty rate was three times higher in rural areas than in urban areas.[29] The Committee on the Rights of the Child recommended that Romania reduce the inequalities between urban and rural areas, and the negative effects of discrimination on access to basic services.[30]

2. Development, the environment, and business and human rights

16. The Committee on Economic, Social and Cultural Rights encouraged Romania to gradually increase its official development assistance with a view to achieving the international commitment of 0.7 per cent of its gross national product, and to pursue a human rights-based approach in its policy on development cooperation.[31]

3. Human rights and counter-terrorism[32]

17. The Committee against Torture encouraged Romania to continue its investigations into the allegations of its involvement in a programme of secret detention centres, and of the use of its airports and airspace by aeroplanes involved in "extraordinary rendition".[33]

B. Civil and political rights

1. Right to life, liberty and security of person[34]

18. The Committee against Torture was concerned at alleged reports of violence by law enforcement officials, including against minors, at the time of arrest, detention and interrogation, which had amounted to ill-treatment and torture and which had been aimed at, among other things, eliciting confessions, some of which had allegedly resulted in death.[35]

19. The same Committee was concerned at the vulnerability of Roma suspects who had been "administratively conveyed" to police stations, with increased risks of ill-treatment and torture, by law enforcement officials, and at the reported excessive use of force by such officials against Roma, including the death in police custody of 26-year-old Gabriel-Daniel Dumitrache, in 2014. According to reports, the police officer had been charged with assault, instead of being charged with torture resulting in death.[36]

20. The same Committee recommended that Romania, inter alia, reiterate at the highest political level its commitment to zero tolerance of the use of violence against persons deprived of their liberty; carry out prompt, impartial and effective investigations into all allegations of the use of violence, including torture and ill-treatment, by law enforcement officials; and prosecute and punish those responsible. It recommended that Romania combat impunity and prevent discriminatory misconduct by the police, and stop the targeted practice of "administratively conveying" Roma to police stations.[37]

21. The same Committee was concerned about the continued use of pretrial and administrative detention in police facilities and arrest centres during criminal prosecution, which could be extended up to 180 days. It was concerned at the continued and prolonged detention of sentenced prisoners in police detention centres.[38]

2. Administration of justice, including impunity, and the rule of law[39]

22. The Committee against Torture recommended that Romania guarantee that all detained persons were afforded, in practice, all the fundamental legal safeguards from the start of their deprivation of liberty, including the right of detainees to be informed about the charges against them and about their rights, in a language that they understood; to have prompt access to a lawyer and, if necessary, to legal aid; to have immediate access to an

independent medical examination, and to have a family member or another person of their own choice notified of their detention.[60]

23. The Subcommittee for Prevention of Torture stated that Romania had made progress in improving the conditions of detention, but that much remained to be done, including reducing overcrowding in prisons and other places in which persons were deprived of their liberty.[61] Likewise, the Committee against Torture was concerned at overcrowding and the poor material conditions in police detention facilities, the increase in the prison population, continued overcrowding, poor prison infrastructure and material conditions, persistent understaffing and the shortage of medical staff.[62]

24. The same Committee was concerned at the use of special intervention units in prisons, the actions of which reportedly often resulted in the ill-treatment of inmates. It was also concerned that prison doctors were required to certify that prisoners sanctioned with disciplinary procedures were fit to undergo punishment.[63] It recommended that Romania, inter alia, put an end to the use of special intervention units in penitentiary facilities, by improving prison management, establishing an independent mechanism to deal with inmates' complaints about their conditions of detention and treatment, and ensuring that inmates who had filed complaints were not subjected to reprisals.[64]

25. The Special Rapporteur on extreme poverty recommended that Romania set up a fully independent body to receive complaints from the victims of police abuse.[65]

3. Prohibition of all forms of slavery[66]

26. The Committee against Torture was concerned that Romania remained a country of origin, transit and destination for human trafficking, in particular for sexual and labour exploitation and forced begging.[67] The ILO Committee of Experts on the Application of Conventions and Recommendations encouraged Romania to pursue its efforts to prevent, suppress and combat human trafficking, and ensure that the objectives of the National Strategy against Trafficking in Persons were achieved.[68] The Committee on the Elimination of Discrimination against Women recommended that Romania adopt a new strategy against human trafficking, which would prioritize measures aimed at improving women's social and economic situation in order to eliminate their vulnerability to trafficking.[69] The Committee against Torture recommended that Romania, inter alia, provide specialized training to public officials on identifying victims and on investigative techniques, and prosecute and sanction perpetrators.[70] The Committee on the Elimination of Discrimination against Women recommended that Romania investigate all reports of the alleged involvement of public officials in human trafficking, and ensure that perpetrators were adequately punished. It recommended that Romania allocate sufficient funds to implement its national referral mechanism, and guarantee the adequate access of victims to shelters and legal, medical and psychosocial assistance.[71]

4. Right to family life

27. The Committee on the Elimination of Discrimination against Women was concerned at reports of unregistered marriages and their adverse impact on women's acquisition of rights during, and on their entitlements upon dissolution of, such unions, especially in the absence of legal recognition of de facto unions, and at the lack of adequate legislative measures to guarantee women's property rights upon divorce.[72]

C. Economic, social and cultural rights[73]

28. The Committee on Economic, Social and Cultural Rights remained concerned about the high levels of corruption, despite the numerous measures that had been taken to combat it, and its impact on the full enjoyment of economic, social and cultural rights by the population. It was concerned that the low salaries of civil servants and health and education personnel, and the lenient penalties applied in cases of corruption might obstruct the effective implementation of those measures.[74]

1. Right to work and to just and favourable conditions of work[55]

29. The Committee on Economic, Social and Cultural Rights was concerned at the low rate of employment, the high level of long-term unemployment, and the persistent high rate of unemployment among young persons, Roma and persons with disabilities.[56]

30. The same Committee was concerned that, despite recent increases, the minimum wage was not sufficient to provide recipients with a decent living.[57]

31. The same Committee was concerned at the reported practice of certain employers who made employment conditional upon the worker agreeing not to create or join a trade union. It recommended that Romania guarantee full protection against acts of anti-union discrimination, including by imposing sufficiently dissuasive sanctions on employers who violated workers' rights to create or join trade unions.[58]

2. Right to social security[59]

32. The Committee on Economic, Social and Cultural Rights was concerned that the resources allocated to social sectors remained inadequate and that the decentralization of social services had led to disparities in the provision of social care.[60] The Special Rapporteur on extreme poverty explained that, despite the decentralization of functions, financing mechanisms remained centralized and that local authorities relied heavily on the central Government to provide financing. The local authorities were often not equipped with adequate resources to fulfil satisfactorily the resulting responsibility.[61]

33. The Special Rapporteur on extreme poverty noted that the social protection system was excessively oriented towards cash benefits, at the expense of social services aimed at early interventions to prevent families from falling into poverty. He reported that there was a lack of social workers and social services, and that the former were underpaid. There was not enough professional training of social workers.[62]

34. The Committee on Economic, Social and Cultural Rights remained concerned that the levels of benefits, such as child allowance, unemployment benefits, the minimum pension and other social assistance benefits, were not sufficient to ensure an adequate standard of living for the recipients and their families.[63]

3. Right to an adequate standard of living[64]

35. The Committee on Economic, Social and Cultural Rights was concerned that the level of poverty remained high and that children, older persons, persons with disabilities and Roma were particularly affected by extreme poverty.[65] The Special Rapporteur on extreme poverty stated that the levels of poverty, social exclusion and material deprivation that children suffered were especially unjustifiable in an upper-middle income country like Romania. He noted that Romania had suffered from a high rate of in-work poverty, which was mostly concentrated in rural areas, mainly in the agriculture sector.[66]

36. The Committee on Economic, Social and Cultural Rights noted with concern that access to safe drinking water was insufficient, particularly in rural areas, in which only one third of the population had access to a centralized drinking water supply. It was concerned at the poor access to adequate sewage and sanitation systems in rural areas and informal settlements, and at deficiencies in sewage treatment. It called upon Romania to ensure universal access to safe drinking water and adequate sewage and sanitation facilities, particularly in rural areas and for the most disadvantaged and marginalized groups.[67]

37. The Special Rapporteur on extreme poverty stated that the number of available units of social housing had been below the level needed, that the number planned until 2020 would also fail to meet demand and there was no national plan to address the chronic shortage. The criteria used, in practice, to allocate the housing available did not privilege the worst off.[68] The Committee on Economic, Social and Cultural Rights was concerned at the absence of a monitoring mechanism to ensure that the allocation of social housing was transparent and non-discriminatory.[69]

4. Right to health[70]

38. The Committee on Economic, Social and Cultural Rights was concerned about the inequalities in terms of access to and quality of health services, especially in rural and remote areas and for disadvantaged and marginalized groups. It was also concerned that the practice of paying non-official fees had persisted.[71] The Special Rapporteur on extreme poverty stated that corruption in the health sector remained rampant.[72]

39. The Committee on Economic, Social and Cultural Rights recommended that Romania ensure de facto access to affordable, good quality and timely health care and medical treatment for all segments of the population. It called on Romania to fight corruption in the health sector so that non-official fees were not collected from patients.[73] The Committee on the Rights of the Child recommended that Romania allocate adequate human and financial resources to ensure full implementation of the National Health Strategy 2014-2020, and of the HIV/AIDS strategy and action plan.[74]

40. The Committee on Economic, Social and Cultural Rights was concerned that Romania had a low life expectancy at birth, and very high infant and maternal mortality rates.[75] The Committee on the Rights of the Child recommended that Romania address the underlying causes of infant, child and maternal mortality.[76]

41. Furthermore, the same Committee recommended that Romania increase the vaccination rate, including by conducting pro-vaccination campaigns and expanding the presence of health assistants to include all towns with low vaccination rates for children.[77]

42. The Committee on Economic, Social and Cultural Rights was concerned at the significant number of teenage pregnancies, the high number of abortions, the limited access to sexual and reproductive health education and services, especially in rural areas, and the limited availability of free contraceptives.[78] The Committee on the Rights of the Child recommended that Romania expand the scope of the National Programme for Sexual and Reproductive Health 2013-2017 to provide comprehensive, age-appropriate education on sexual and reproductive health, and ensure unimpeded access to sexual and reproductive health services.[79] The Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights made similar recommendations.[80]

43. The Committee on the Elimination of Discrimination against Women was concerned at the refusal of health professionals and entire hospitals to perform medical abortions, causing women to seek unsafe and illegal abortions.[81] It recommended that Romania ensure unimpeded and adequate access to legal abortion and post-abortion services to all women, including by ensuring that institutions were precluded by law from raising conscientious objections, defining the permissible grounds for raising such objections by health professionals and guaranteeing mandatory referrals in cases of conscientious objections by health professionals.[82]

5. Right to education[83]

44. The Special Rapporteur on extreme poverty stated that Romania had low levels of public spending on education. The national education budget was insufficient to cover the necessary expenditure, thus transferring much of the burden in a decentralized education system to the local authorities. That had resulted in significant "hidden education costs" for parents, who often ended up paying for school supplies, uniforms and transport because poorer local governments passed those costs on to them. As a result, children living in poverty had a lesser chance of remaining in the school system.[84]

45. UNESCO and the Committee on the Elimination of Discrimination against Women noted the adoption of a national strategy to prevent children from leaving school early.[85] Yet, the Committee on the Elimination of Discrimination against Women was concerned at the high school dropout rates, low learning achievements and the low enrolment in rural areas, and the high dropout and poor performance rates in Roma and economically disadvantaged communities.[86]

46. Taking note of target 4.1 of the Sustainable Development Goals on all girls and boys completing free, equitable and quality primary and secondary education, the Committee on the Rights of the Child recommended that Romania, inter alia, improve the quality of

education and provide quality training for teachers; improve access to quality education in rural areas and for children from poor families; develop programmes with monitoring and evaluation mechanisms to reduce dropout rates; and provide the necessary funding and measures to improve school transportation and eliminate the hidden costs of education.[87] Furthermore, the Committee on Economic, Social and Cultural Rights recommended that Romania increase the budget allocated to education.[88]

D. Rights of specific persons or groups

1. Women[89]

47. The Committee on the Elimination of Discrimination against Women recommended that Romania adopt a legislative package to address all forms of gender-based violence, as well as marital rape, and harmonize national legislation on violence against women with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It recommended that Romania introduce police protection orders, provide a legal basis for the issuance of emergency police protection orders, introduce ex-officio prosecution for gender-based violence and ensure that cases of gender-based violence against women were under no circumstances addressed under mediation procedures. It also recommended that Romania ensure that victims of gender-based violence had full and barrier-free access to medical and psychological support, safe shelters within a reasonable distance and counselling and rehabilitation services throughout the country.[90]

48. The Committee on the Elimination of Discrimination against Women was concerned that Roma, migrant and rural women, women with disabilities, older women and women living with HIV/AIDS were disproportionately affected by poverty and had limited access to health services, education and employment.[91]

49. The Committee on the Elimination of Discrimination against Women remained concerned at the high rate of unemployment among women, especially in rural areas and among Roma women, and the persistent gender pay gap, despite legislation on equal pay for work of equal value. It was concerned at the unequal division of family responsibilities between women and men, the closure of kindergartens, especially in rural areas, and the disproportionate burden of unpaid care work on women.[92]

50. The same Committee was concerned at the continued low representation of women in Parliament, in the Government and in regional and local governments. It recommended that Romania study the root causes that prevent women from participating in public and political life, and design strategies to overcome such barriers.[93] The Committee on Economic, Social and Cultural Rights recommended that Romania introduce temporary special measures, such as quotas, to promote gender equality.[94]

2. Children[95]

51. The Committee on the Rights of the Child welcomed the adoption of the National Strategy on the Protection and Promotion of Children's Rights 2014-2020 and the National Strategy on Children's and Adolescents' Mental Health 2016-2020.[96]

52. With regard to the widespread practice of de facto child marriages in rural areas, the same Committee recommended that Romania conduct awareness-raising campaigns concerning the negative consequences of such marriages,[97] and amend legislation to remove exceptions that allowed marriage under the age of 18 years.[98] The Committee on the Elimination of Discrimination against Women made similar recommendations.[99]

53. The Committee on the Rights of the Child was concerned at the general tolerance of different forms of violence against children; the limited capacity of the public system to identify, report and address cases of violence, abuse and neglect of children, as well as sexual exploitation and abuse in a cross-sectoral manner; and severe forms of violence that had allegedly taken place in the childcare system, especially towards children with disabilities.[100] It recommended that Romania provide sufficient resources to the mechanisms that had been set up to identify, report, prevent and monitor cases of violence

against and abuse of children in any setting; strengthen programmes for the early identification, recovery and social reintegration of child victims; and investigate such cases in the childcare system and hold the perpetrators accountable.[101]

54. The same Committee recommended that Romania ensure that the prohibition of corporal punishment was properly enforced in all settings, and promote positive, non-violent and participatory forms of child-rearing and discipline through awareness-raising programmes and campaigns.[102]

55. The same Committee urged Romania to enforce existing labour legislation and fully implement the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), and to prevent child labour, especially in agriculture, construction and the home.[103]

56. The same Committee urged Romania to prevent child begging in the streets and to ensure that children in street situations received all the support needed, particularly reintegration with their families or placement in alternative care, and were provided with health care, education, access to social services, national identification documentation, safe spaces, support, and prevention and rehabilitation services in relation to drug abuse.[104]

57. The same Committee was concerned about the significant number of children placed in institutional care and children from the most disadvantaged groups who remained at high risk of family separation and institutionalization.[105] It recommended that Romania, inter alia, implement the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care (2016) and put in place a strong monitoring system; expedite placement in family-based care; and strengthen support for children leaving care to enable them to reintegrate into society.[106] It urged Romania to ensure that children who could not be placed with families domestically had access to intercountry adoption.[107]

58. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that the 2016 amendments to the legal framework related to birth registration had simplified procedures in order to reduce the number of children who remained unregistered.[108] While taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee on the Rights of the Child recommended that Romania strengthen community-based services to ensure that all children, including those in rural communities, had access to birth registration without delay.[109]

59. While noting that amendments to the Criminal Code abolished the penalty of imprisonment for minors, the Committee on the Rights of the Child was concerned that numerous children continued to be held in detention centres in prison-like conditions. It was also concerned that children were often questioned by law enforcement officials in police stations without the presence of their lawyers or legal representatives.[110]

60. The same Committee urged Romania to establish more specialized juvenile courts and procedures with adequate resources, to designate specialized judges for children and ensure that they received appropriate training, and ensure the provision of qualified legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings. It urged Romania to promote measures for dealing with children accused of having infringed the penal law without resorting to judicial proceedings and, wherever possible, use alternative measures at sentencing, and to ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it.[111]

3. Persons with disabilities[112]

61. The Committee on the Rights of the Child remained concerned that Romania did not have a human rights-based model for disability and there was no national policy on disability specifically addressing children.[113]

62. The same Committee remained concerned that children with disabilities were placed in specialized institutions.[114] The Special Rapporteur on extreme poverty stated that Romania had high levels of institutionalization of adults with disabilities. While the

deinstitutionalization of persons with disabilities had long been a strategic objective, all too few concrete measures had been taken to realize that goal. He noted that investments continued to be made to renovate and expand existing institutions, rather than building the infrastructure and services necessary to enable persons with disabilities to live independently.[115] The Committee against Torture noted the lack of progress in the transition from institutional care to community-based care and family centres.[116]

63. The same Committee was concerned that patients in mental health institutions lacked legal capacity and that the legal safeguards regarding explicit consent for placement and medical treatment in psychiatric institutions, combined with the absence of official decisions on placement in patients' medical records, was lacking, which amounted to forced institutionalization and forced medical treatment.[117]

64. The same Committee was concerned at the treatment and living conditions of persons with mental disabilities, both adults and minors, in psychiatric wards, psychiatric hospitals and specialized psychiatric institutions, which had reportedly resulted in the deaths of numerous patients owing to neglect, lack of basic care, the use of mechanical restraints, the denial of medical and psychological treatment, and severe malnutrition.[118] It was concerned at the absence of investigations into the reported deaths of 16 patients at Poiana Mare Psychiatric Hospital, of several hundred patients between 2001 and 2004, and of some 2,000 people between January 2011 and August 2014 in institutions for persons with mental disabilities, owing to extremely bad living conditions and inferior medical treatment.[119]

65. The Special Rapporteur on extreme poverty reported that the low level of social benefits for persons with disabilities, combined with inadequate social services, often forced them and their families into poverty. Legislation provided various measures aimed at increasing employment of persons with disabilities, such as a quota and tax incentives for employers to hire persons with disabilities. However, the low percentage of persons with disabilities in employment indicated that those measures were ineffective.[120]

66. The Committee on Economic, Social and Cultural Rights recommended that Romania ensure effective compliance by public and private companies and institutions with the 4 per cent quota for the employment of persons with disabilities, including by providing for dissuasive sanctions for employers in cases of non-compliance.[121]

67. The Special Rapporteur on extreme poverty stated that children with disabilities placed in residential institutions normally attended special schools attached to those institutions. The quality of education in special schools was reportedly poor and not adapted to the individual needs of children with different types of disabilities. Some children with multiple disabilities had reportedly been denied enrolment in special schools.[122] The Committee on the Rights of the Child recommended that Romania set up comprehensive measures to develop inclusive education, and train and assign specialized teachers and professionals in inclusive classes to provide individual support and the necessary attention to children with learning difficulties.[123]

4. Minorities[124]

68. The Committee on Economic, Social and Cultural Rights recommended that Romania create favourable conditions to enable national minorities to express and develop their culture, traditions and customs in their own language, and take additional measures in the field of education to encourage knowledge of the history, traditions and culture of various minority groups, including Roma.[125]

69. The Committee on Economic, Social and Cultural Rights and the Committee against Torture welcomed the adoption of a strategy on the inclusion of Roma (2012-2020) and of sectoral action plans.[126] However, the former Committee was concerned that no baseline study had been conducted to ground the policy measures in accurate data, there was a lack of indicators to assess progress in implementing the strategy, and budget allocations were insufficient for its effective implementation.[127]

70. The same Committee recommended that Romania collect disaggregated statistical data, on the basis of self-identification, on the number of Roma in the country and on their

access to employment, social security, housing, health care and education, with a view to formulating, implementing and monitoring targeted and coordinated programmes and policies aimed at improving their socioeconomic situation.[128] The Committee on the Elimination of Discrimination against Women recommended that Romania allocate adequate funding to implement the strategy on the inclusion of Roma, and expedite the adoption of action plans with clear time-bound targets.[129]

71. The Committee on Economic, Social and Cultural Rights expressed concern at the high percentage of Roma children who had no formal education, the high dropout rates and cases that indicated that the practice of segregating Roma children and children with disabilities persisted in the school system.[130]

72. The same Committee noted with concern the cases of alleged segregation of Roma patients in substandard hospital wards and the negligent treatment of those patients. The decentralization process had led to a decrease in the number of Roma health mediators.[131]

73. The same Committee also noted with concern that Roma tended not to have personal documents, which were necessary to access social insurance, health care and other benefits and which further exacerbated the discrimination against them.[132] The Committee on the Elimination of Discrimination against Women was concerned at the low rates of birth registration of Roma children.[133]

74. The Committee on Economic, Social and Cultural Rights was concerned that the majority of Roma continued to live in substandard housing conditions, without safe drinking water, sanitation facilities, electricity, heating, sewage and waste disposal, and legal security of tenure.[134] It was concerned at cases of forced eviction of Roma from irregular settlements, often without genuine prior consultation and reasonable notice, and at their relocation to unsafe or polluted sites. It was also concerned that Roma were often relocated to segregated areas and about reports that, upon eviction, some families with children were left without adequate alternative housing, compensation and protection.[135] The Special Rapporteur on extreme poverty made similar observations.[136]

75. The same Committee recommended that Romania prevent forced evictions of Roma from taking place until the Roma concerned had been consulted, afforded due process guarantees and provided with alternative accommodation or compensation. It urged Romania to amend its legislation to provide a minimum degree of security of tenure for persons living in informal settlements and to adopt legislation to ensure that evictions were carried out in compliance with international human rights standards.[137] The Special Rapporteur on extreme poverty recommended that Romania amend its legislation on public housing to include Roma as a category of priority beneficiaries in the allocation of social housing.[138]

5. Migrants, refugees and asylum seekers[139]

76. The Committee against Torture was concerned that persons in need of international protection did not have unhindered access to asylum procedures, including determination of refugee status. It was concerned at the reportedly unnecessary detention of asylum seekers, rejected asylum seekers and other aliens.[140] UNHCR was concerned that amendments to the Asylum Law, in 2014 and 2015, and the Aliens Law, in 2015, had extended the grounds on which aliens — including asylum seekers — might be placed or detained in "public custody" or in the so-called "specially arranged closed areas".[141] It was concerned that the detention of families with children was allowed by law and that vulnerable persons might still end up in detention.[142]

77. The Committee against Torture recommended that Romania ensure that all persons applying for international protection had access to a fair refugee determination procedure and were effectively protected against refoulement to countries where they risked torture, refrain from detaining asylum seekers and aliens and promote alternatives to detention.[143] UNHCR recommended that Romania ensure that conditions of detention, in cases in which it was necessary and unavoidable, met international standards, and include a revision of its internal regulations for that purpose.[144]

78. UNHCR recommended that Romania amend its national legislation and improve administrative practices so as to ensure that clear and efficient procedures for assessing and determining the best interests of unaccompanied asylum-seeking children in the asylum context were in place; and modify existing legislation to ensure coherence and compatibility between the provisions in the Asylum Law and Law No. 272/2004, regarding the role and responsibilities of legal representatives (legal guardians) appointed to unaccompanied children.[145]

79. The Committee on the Rights of the Child recommended that Romania consider adopting additional legislation in order to address practical barriers preventing access to education for asylum-seeking and refugee children, such as shortening the time between lodging of an asylum application and school enrolment and increasing the number of hours and quality of language classes.[146]

80. UNHCR noted an increase in the material assistance provided to asylum seekers and new provisions introduced in asylum legislation, in 2015, that allowed, inter alia, asylum seekers to work after three months from the time of their arrival and to maintain that right if they were employed at the time of submitting an application for international protection.[147]

6. Stateless persons[148]

81. UNHCR recommended that Romania amend its Citizenship Law to ensure that all persons born in Romania, who would otherwise be stateless, acquire Romanian nationality, and establish a dedicated procedure to determine statelessness to ensure proper identification and protection of stateless persons.[149]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Romania will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/ROIndex.aspx.
2 For relevant recommendations, see A/HRC/23/5, paras. 124.1-124.12.
3 See CAT/C/ROU/CO/2, para. 22; E/C.12/ROU/CO/3-5, para. 27; CRC/C/ROU/CO/5, para. 46; and CEDAW/C/ROU/CO/7-8, para. 47.
4 See CAT/C/ROU/CO/2, para. 22; E/C.12/ROU/CO/3-5, para. 27; and CRC/C/ROU/CO/5, para. 46.
5 See CAT/C/ROU/CO/2, para. 22; and E/C.12/ROU/CO/3-5, para. 27.
6 See CAT/C/ROU/CO/2, para. 22.
7 See CRC/C/ROU/CO/5, para. 45.
8 See CEDAW/C/ROU/CO/7-8, para. 31.
9 See CAT/C/ROU/CO/2, para. 23.
10 For relevant recommendations, see A/HRC/23/5, paras. 109.18-109.28.
11 See E/C.12/ROU/CO/3-5, para. 6.
12 Ibid.
13 See CEDAW/C/ROU/CO/7-8, paras. 12-13. See also A/HRC/32/31/Add.2, para. 65 (e).
14 See CAT/C/ROU/CO/2, para. 16.
15 See www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=19953.
16 See CRC/C/ROU/CO/5, para. 12. See also A/HRC/32/31/Add.2, para. 62 (c).
17 See A/HRC/32/31/Add.2, para. 65 (g).
18 For relevant recommendations, see A/HRC/23/5, paras. 109.17, 109.39, 109.42-109.48, 109.51, 109.54-109.71 and 109.108.
19 See CEDAW/C/ROU/CO/7-8, para. 16.
20 See CRC/C/ROU/CO/5, para. 16.
21 See E/C.12/ROU/CO/3-5, para. 9.
22 See A/HRC/32/31/Add.2, para. 13.
23 See CAT/C/ROU/CO/2, para. 10. See also CEDAW/C/ROU/CO/7-8, para. 36.
24 See E/C.12/ROU/CO/3-5, para. 9.
25 See A/HRC/32/31/Add.2, para. 60 (b).
26 UNESCO submission for the universal periodic review of Romania, p. 5.
27 See CAT/C/ROU/CO/2, para. 10.
28 See CEDAW/C/ROU/CO/7-8, para. 37.
29 See A/HRC/32/31/Add.2, para. 7. See also CEDAW/C/ROU/CO/7-8, para. 34.
30 See CRC/C/ROU/CO/5, para. 19.
31 See E/C.12/ROU/CO/3-5, para. 25.

[32] For relevant recommendations, see A/HRC/23/5, paras. 109.155-109.157.
[33] See CAT/C/ROU/CO/2, para. 15.
[34] For relevant recommendations, see A/HRC/23/5, paras. 109.75-109.76.
[35] See CAT/C/ROU/CO/2, para. 9. See also A/HRC/32/31/Add.2, para. 24.
[36] See CAT/C/ROU/CO/2, para. 10.
[37] Ibid., paras. 9-10.
[38] Ibid., para. 8.
[39] For relevant recommendations, see A/HRC/23/5, paras. 109.76 and 109.103.
[40] See CAT/C/ROU/CO/2, para. 7.
[41] See www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=19953.
[42] See CAT/C/ROU/CO/2, paras. 8 and 13.
[43] Ibid., para. 13.
[44] Ibid.
[45] See A/HRC/32/31/Add.2, para. 61 (c). See also CAT/C/ROU/CO/2, para. 9.
[46] For relevant recommendations, see A/HRC/23/5, paras. 109.84, 109.88-109.89 and 109.91-109.93.
[47] See CAT/C/ROU/CO/2, para. 11.
[48] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289277:NO.
[49] See CEDAW/C/ROU/CO/7-8, para. 21.
[50] See CAT/C/ROU/CO/2, para. 11.
[51] See CEDAW/C/ROU/CO/7-8, para. 21. See also CRC/C/ROU/CO/5, para. 43.
[52] See CEDAW/C/ROU/CO/7-8, para. 38.
[53] For relevant recommendations, see A/HRC/23/5, paras. 109.52-109.54.
[54] See E/C.12/ROU/CO/3-5, para. 8.
[55] For the relevant recommendation, see A/HRC/23/5, para. 109.40.
[56] See E/C.12/ROU/CO/3-5, para. 11.
[57] Ibid., para. 13.
[58] Ibid., para. 14.
[59] For relevant recommendations, see A/HRC/23/5, paras. 109.40 and 109.48.
[60] See E/C.12/ROU/CO/3-5, paras. 7 and 16.
[61] See A/HRC/32/31/Add.2, paras. 58-59.
[62] Ibid., paras. 49-51.
[63] See E/C.12/ROU/CO/3-5, para. 15.
[64] For relevant recommendations, see A/HRC/23/5, paras. 109.60-109.61, 109.63 and 109.108-109.109.
[65] See E/C.12/ROU/CO/3-5, para. 17.
[66] See A/HRC/32/31/Add.2, paras. 30-31.
[67] See E/C.12/ROU/CO/3-5, para. 20. See also CEDAW/C/ROU/CO/7-8, para. 34.
[68] See A/HRC/32/31/Add.2, para. 11.
[69] See E/C.12/ROU/CO/3-5, para. 18.
[70] For relevant recommendations, see A/HRC/23/5, paras. 109.110-109.112, 109.114 and 109.65.
[71] See E/C.12/ROU/CO/3-5, para. 21. See also CEDAW/C/ROU/CO/7-8, para. 32.
[72] See A/HRC/32/31/Add.2, para. 10.
[73] See E/C.12/ROU/CO/3-5, para. 21. See also CRC/C/ROU/CO/5, para. 10.
[74] See CRC/C/ROU/CO/5, para. 34.
[75] See E/C.12/ROU/CO/3-5, para. 21. See also CRC/C/ROU/CO/5, para. 33; and A/HRC/32/31/Add.2, para. 10.
[76] See CRC/C/ROU/CO/5, para. 19.
[77] Ibid., para. 34.
[78] See E/C.12/ROU/CO/3-5, para. 22. See also CEDAW/C/ROU/CO/7-8, para. 32; and CRC/C/ROU/CO/5, para. 36.
[79] See CRC/C/ROU/CO/5, para. 36.
[80] See CEDAW/C/ROU/CO/7-8, para. 33; and E/C.12/ROU/CO/3-5, para. 22.
[81] See CEDAW/C/ROU/CO/7-8, para. 32. See also E/C.12/ROU/CO/3-5, para. 22.
[82] See CEDAW/C/ROU/CO/7-8, para. 33.
[83] For relevant recommendations, see A/HRC/23/5, paras. 109.115-109.123.
[84] See A/HRC/32/31/Add.2, paras. 32-33. See also E/C.12/ROU/CO/3-5, para. 23.
[85] UNESCO submission, pp. 4-5, and CEDAW/C/ROU/CO/7-8, para. 26.
[86] See CEDAW/C/ROU/CO/7-8, para. 26. See also E/C.12/ROU/CO/3-5, para. 23.
[87] See CRC/C/ROU/CO/5, para. 38. See also UNESCO submission, p. 5.
[88] See E/C.12/ROU/CO/3-5, para. 23. See also UNESCO submission, p. 5.
[89] For relevant recommendations, see A/HRC/23/5, paras. 109.40 and 109.77-109.78.
[90] See CEDAW/C/ROU/CO/7-8, para. 19.
[91] Ibid., para. 36. See also E/C.12/ROU/CO/3-5, para. 22.
[92] See CEDAW/C/ROU/CO/7-8, para. 28.

[97] See CEDAW/C/ROU/CO/7-8, paras. 24-25. See also E/C.12/ROU/CO/3-5, para. 10.
[98] See E/C.12/ROU/CO/3-5, para. 10.
[99] For relevant recommendations, see A/HRC/23/5, paras. 109.29-109.37, 109.40, 109.69, 109.79-109.82, 109.98-109.100, 109.105 and 109.113.
[100] See CRC/C/ROU/CO/5, para. 3.
[101] Ibid., para. 27.
[102] Ibid., para. 15.
[103] See CEDAW/C/ROU/CO/7-8, para. 17.
[104] See CRC/C/ROU/CO/5, para. 25.
[105] Ibid., para. 26.
[106] Ibid., para. 24.
[107] Ibid., para. 41.
[108] Ibid., paras. 41-42. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3299956:NO.
[109] See CRC/C/ROU/CO/5, para. 28.
[110] Ibid., para. 29.
[111] Ibid., para. 30.
[112] UNHCR submission for the universal periodic review of Romania, p. 2. See also A/HRC/32/31/Add.2, para. 62 (b).
[113] See CRC/C/ROU/CO/5, para. 21. See also CEDAW/C/ROU/CO/7-8, para. 37.
[114] See CAT/C/ROU/CO/2, para. 17.
[115] See CRC/C/ROU/CO/5, para. 44.
[116] For relevant recommendations, see A/HRC/23/5, paras. 109.125-109.131 and 109.40.
[117] See CRC/C/ROU/CO/5, para. 31. See also A/HRC/32/31/Add.2, para. 38.
[118] See CRC/C/ROU/CO/5, para. 31.
[119] See A/HRC/32/31/Add.2, paras. 45-46. See also CEDAW/C/ROU/CO/7-8, para. 36.
[120] See CAT/C/ROU/CO/2, para. 14.
[121] Ibid. See also A/HRC/32/31/Add.2, para. 63 (b).
[122] See CAT/C/ROU/CO/2, para. 14. See also CEDAW/C/ROU/CO/7-8, para. 37.
[123] See CAT/C/ROU/CO/2, para. 14.
[124] See A/HRC/32/31/Add.2, paras. 43-44.
[125] See E/C.12/ROU/CO/3-5, para. 11. See also A/HRC/32/31/Add.2, para. 63 (f).
[126] See A/HRC/32/31/Add.2, para. 42.
[127] See CRC/C/ROU/CO/5, para. 32.
[128] For relevant recommendations, see A/HRC/23/5, paras. 109.38, 109.46-109.47, 109.49-109.53, 109.55-109.63, 109.108-109.109 and 109.133-109.146.
[129] See E/C.12/ROU/CO/3-5, para. 24.
[130] Ibid., para. 9, and CAT/C/ROU/CO/2, para. 6.
[131] See E/C.12/ROU/CO/3-5, para. 9. See also A/HRC/32/31/Add.2, para. 60 (d).
[132] See E/C.12/ROU/CO/3-5, para. 9. See also CRC/C/ROU/CO/5, para. 11, and A/HRC/32/31/Add.2, para. 60 (c).
[133] See CEDAW/C/ROU/CO/7-8, para. 37.
[134] See E/C.12/ROU/CO/3-5, para. 23.
[135] Ibid., para. 21.
[136] Ibid., para. 9.
[137] See CEDAW/C/ROU/CO/7-8, para. 36.
[138] See E/C.12/ROU/CO/3-5, para. 18. See also A/HRC/32/31/Add.2, para. 19.
[139] See E/C.12/ROU/CO/3-5, para. 19.
[140] See A/HRC/32/31/Add.2, para. 22.
[141] See E/C.12/ROU/CO/3-5, para. 19.
[142] See A/HRC/32/31/Add.2, para. 60 (g).
[143] For relevant recommendations, see A/HRC/23/5, paras. 109.147-109.148 and 109.150.
[144] See CAT/C/ROU/CO/2, para. 12.
[145] UNHCR submission, p. 3.
[146] Ibid.
[147] See CAT/C/ROU/CO/2, para. 12.
[148] UNHCR submission, p. 4.
[149] Ibid., p. 5. See also CRC/C/ROU/CO/5, para. 40.
[150] See CRC/C/ROU/CO/5, para. 40.
[151] UNHCR submission, p. 1.
[152] For relevant recommendations, see A/HRC/23/5, paras. 109.105 and 109.149.
[153] UNHCR submission, p. 3. See also CAT/C/ROU/CO/2, para. 12.